ROBERT H. SPERGEL
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April 1, 2005

Hon. Charles L. Brieant
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

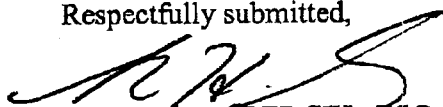Re: *Barna et. al v. Spectrum et al.*
05 (CIV) 2176 (CLB) (LMS)

Dear Judge Brieant:

The parties write jointly respectfully requesting an adjournment of the conference scheduled for April 15, 2005 and further requesting that proceedings in this matter be stayed for sixty (60) days or until May 31, 2005 pending the parties' efforts consensually to resolve this and related matters through pre-discovery mediation.

By way of background, the allegations underlying this Action involve complex fact patterns which would undoubtedly result in considerable expense to the parties in discovery. While the parties have heretofore vigorously litigated their respective positions in this matter, they are cognizant of the considerable expense to which each party will be put in connection with further litigation. The parties have thus renewed their settlement discussions since the filing of the complaint in this Action and believe that with the assistance of third party intervention, a global settlement may potentially be achieved without the expense and distraction of the discovery process.

If such a formulation is deemed acceptable, would the Court kindly endorse this letter.

Respectfully submitted,

ROBERT H. SPERGEL, ESQ.

SO ORDERED
Dated:

_____
Charles L. Brieant, U.S.D.J.

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FAX TRANSMITTAL SHEET

TO   :   Hon. Charles L. Brieant, U.S.D.J. @ 1-914-390-4085

FROM: ROBERT H. SPERGEL, ESQ.

RE   :   05 CIV. 2176 (CLB) (LMS)

DATE: 4-5-05

MESSAGE:

I apologize for not sending ECF, I have been having problems logging in, and did not want to delay the joint request.

Respectfully,

ROBERT H. SPERGEL, ESQ.

cc: J. Englander, by email